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10/736,410	12/11/2003	Karen A. Gross	CDR96013C1	3960

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EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2614

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/24/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary

Application No.

10/736,410

Applicant(s)

GROSS ET AL.

Examiner

Md S. Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 110-131 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 110-131 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/03/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 01/29/2007. Claims 110-131 are pending.

Response to Arguments

2. Applicant's arguments filed on 01/29/2007 Remarks have been fully considered but they are not persuasive because of the following:

Regarding claim 110, the Applicant argues on pages 9-10 that the textual content in Picard et al. is not "based on the received voicemail message," as claimed, but, rather, is separate from the voicemail message. Examiner respectfully disagrees with the argument. In col.9, lines 2-6, Picard teaches that if the destination is not receiving the same format as the incoming message format then, the message is converted into that format. For example, if the destination is a fax machine or PC but the incoming message is a voice message then the voice message is converted into text message such that the fax machine or PC can receive the text message (see col.13, lines 45-49). Therefore, it is clear that the textual content in Picard et al. is generated based on the received voicemail message. Thus the rejection of the claim in view of Miller and Picard remain.

Regarding claims 120, 125, the Applicant argues on page 11 that neither Miller nor Picard et al. teaches or suggests the claimed transmission of the voicemail message "to a speech

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processor for conversion of the voicemail message to a different media," as claimed. Examiner respectfully disagrees with the argument. In col.9, lines 2-6, col.13, lines 45-49, Picard teaches that if the destination is not receiving the same format as the incoming message format then, the message is converted into that format. There must have a converter to convert the incoming message format into receiving device message format and this converter is the claimed 'speech processor'. Further the applicant did not claim the actual physical location of the speech processor. Therefore, it is clear that Picard teaches the claimed transmission of the voicemail message to a speech processor for conversion of the voicemail message to a different media. Thus the rejection of the claim in view of Miller and Picard remain.

Claim 115 is rejected for the same reasons as discussed above with respect to claim 110.

3.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 110-114 and 120-131 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (U.S. 4,930,152) in view of Picard et al. (U.S. 6,233,318).

Regarding claim 110, Miller teaches a method of providing voicemail services via a service node, the method comprising:

receiving a message from a system, the message being associated with a call that is transferred to the voicemail system from either a call processor within the service node or a switching system external to the service node (fig.2, label 212).

However, Miller does not specifically teach voicemail message. Picard teaches voicemail message (col.1, lines 27-30). Thus, it would have been obvious to one of ordinary skill in the art

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at the time the invention was made to modify Miller to incorporate voicemail message in order to store voice message for later retrieval.

prompting the user for a call back number, wherein the call back number is attached to the voicemail message for automatic call back initiated by a subscriber (fig.2, label 212, fig.3, label 301; col.5, lines 23-30).

transmitting the message to a device specified by a subscriber of the telecommunication services (fig.2, label 212).

However, Miller does not specifically teach generating textual information based on the received voicemail message and sending the textual information to a device. Picard teaches generating textual information based on the received voicemail message and sending the textual information to a device (abstract; fig.1; col.9, lines 2-6, col.13, lines 46-49). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller to generate textual information based on the received voicemail message and sending the textual information to a device as taught by Picard. The motivation for the modification is to do so in order to send message to particular destination of different format.

Regarding claims 111, 121, 126, Miller does not specifically teach that the device includes one of a printer or a facsimile machine. Picard teaches that the device includes one of a printer or a facsimile machine (col.9, lines 11-27). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller to incorporate the device including one of a printer or a facsimile machine as taught by Picard. The motivation for the modification is to do so in order to send message in the form of facsimile format.

Regarding claims 112, 122, 127, Miller does not specifically teach a document containing the textual information or media is generated and forwarded to the device. Picard teaches a document containing the textual information or media is generated and forwarded to the device (col.12, lines 34-36). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller to incorporate a document containing the textual information or media is generated and forwarded to the device as taught by Picard. The motivation for the modification is to do so in order to send notification message in the form of text format.

Regarding claims 113, 123, 128, Miller teaches that a personal identification number or a unique code is assigned to the user, the telecommunication user being one of a subscriber and or a non-subscriber to the services, wherein access to the telecommunication services is controlled based on the personal identification number or code (fig.2, label 203, fig.3, label 301).

Regarding claims 114, 124, 129, Miller teaches that the subscriber is identified based on the received personal identification number and retrieving a profile of the subscriber, wherein the textual information is sent to the device according to the profile (col.6, lines 35-47, col.7, lines 42-56).

Regarding claims 120 and 125, Miller teaches a method for providing voicemail services within a multi-service telecommunication platform, the method comprising:

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receiving a call placed by a user to the telecommunication platform, the call being selectively transferred internally or externally from the telecommunication platform (fig.2, label 212).

recording a message from the user (fig.2, label 213; col.7, lines 1-5).

However, Miller does not specifically teach recording a voicemail message from the user. Picard teaches recording a voicemail message from the user (col.1, lines 27-30). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller to record a voicemail message from the user as taught by Picard. The motivation for the modification is to do so in order to store voice message for later retrieval.

prompting the user for a call back number, wherein the call back number is attached to the voicemail message for automatic call back initiated by a subscriber (fig.2, label 212, fig.3, label 301; col.5, lines 23-30).

transmitting the message to a device specified by the user (fig.2, label 212).

Miller does not specifically teach transmitting the voicemail message to a speech processor for conversion of the voicemail message to a different media, wherein the media is forwarded to a device. Picard teaches transmitting the voicemail message to a speech processor for conversion of the voicemail message to a different media, wherein the media is forwarded to a device (abstract; fig.1; col.9, lines 2-6, col.13, lines 46-49). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller to transmit the voicemail message to a speech processor for conversion of the voicemail message to a different media, wherein the media is forwarded to a device as taught by Picard. The motivation for the modification is to do so in order to send message to particular destination of different format.

Regarding claim 130, Miller teaches presenting the non-subscriber with a guest menu specifying a plurality of options corresponding to the voicemail (fig.2, labels 211, 212).

Regarding claim 131, Miller teaches that the service node inherently stores a phone number of the voicemail system if the voicemail system is external to the service node.

8. Claims 115-119 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (U.S. 4,930,152) in view of Picard et al. (U.S. 6,233,318) further in view of LaVallee et al. (U.S. 5,181,236).

Claim 115 is rejected for the same reasons as claim 110.

Furthermore, Miller teaches a switching system configured to receive a call from a user (fig.6)

a call processor configured to provide a menu of options to the user, the options relating to the telecommunications services (fig.2, label 212).

Miller in view of Picard does not specifically teach an automated call distributor. LaVallee teaches an automated call distributor (fig.2, item 12). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller in view of LaVallee to incorporate an automated call distributor in order to provide the status of call queue to a caller.

Claims 116-119 are rejected for the same reasons as claim 111-114.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ME

MD SHAFIUL ALAM ELAHEE

April 12, 2007



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